

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TONYA CLAYTON, et al.,

Plaintiffs,

v.

Case No. 21-cv-12995
Hon. Matthew F. Leitman

FCA US LLC,

Defendant.

/

**ORDER CONCERNING DISPUTE OVER
ALLEGEDLY-FRAUDULENT DECLARATIONS**

Now before the Court is a motion by Plaintiffs Tonya Clayton, *et al.*, to strike certain declarations submitted by Defendant FCA US, LLC that Plaintiffs deem fraudulent (the “Declaration Motion”). (*See* ECF No. 95.) The Court held a status conference with the parties on November 8, 2024, to discuss the Declaration Motion and related issues. For the reasons stated on the record during the conference, **IT IS HEREBY ORDERED** as follows:

1. By not later than **December 20, 2024**, the parties shall take the depositions of (a) the individuals who submitted the declarations that are attached to the Declaration Motion (the “Declarants”) and (b) the representative(s) of the private investigating agency who, on behalf of FCA, obtained earlier declarations from the Declarants (the “Investigators”). These depositions shall be video recorded and

transcribed. The parties shall split the costs associated with the depositions. The parties shall work cooperatively and in coordination to ensure that each of the witnesses to be deposed is served with a deposition subpoena. In addition, the parties shall cooperate in the scheduling of the depositions, with the understanding that the depositions must be completed by the above-stated deadline.

2. Until the depositions of the Declarants and Investigators have been completed, no attorney for, or representative of, any party shall communicate with any of the Declarants or Investigators concerning any matter other than the scheduling and logistics of their depositions.

3. Counsel for both parties shall work together to exchange documents pertinent to the depositions in advance of the depositions.

4. Neither party shall interpose a work-product or other privilege objection with respect to (a) oral and/or written communications between the Declarants and the Investigators and/or (b) oral and/or written communications between Plaintiffs' counsel and the Declarants.

5. The Court will reconvene a status conference in roughly 45 days to discuss next steps.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: November 8, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 8, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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